

REMARKS

The Examiner is requiring restriction in the above-listed application as follows:

Group I: Claims 1-5, drawn to polypeptide and pharmaceutical composition;

Group II: Claims 6-16, drawn to polynucleotide, vector and host cell;

Group III: Claim 17, drawn to antibody;

Group IV: Claim 20, drawn to a method of screening for molecules capable of modulating apoptosis (method of use of polypeptide);

Group V: Claim 22, drawn to a direct detection method of a flavivirus infection;

Group VI: Claim 23, drawn to a method of serological detection of a flavivirus infection;

Group VII: Claims 24, 25, 27 and 28 (assuming that claim 28 was meant to depend from claim 27), drawn to pharmaceutical compositions of polynucleotide; and

Group VIII: Claims 26 and 29, drawn to a method of screening for molecules capable of modulating apoptosis.

Applicants have provisionally elected, with traverse, Group I: Claims 1-5, drawn to a polypeptide and pharmaceutical composition, for further prosecution.

Applicants traverse the Restriction Requirement on the grounds that a search of all the claims would not present an undue burden.

MPEP subsection 803 states:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that having to search all the claims would not impose a serious burden on the Office.

Applicants note that MPEP §821.04 states:

Application No. 10/608,147
Reply to Restriction Requirement of December 1, 2005

If the Applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims which depend from or otherwise include all the limitations of the allowable product claim will be rejoined.

Applicants respectfully submit that should the elected Group be found allowable, the non-elected process claims should be rejoined.

Applicants submit this application is now in condition for examination on the merits and early notification to that effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon



Charles J. Andres, Jr., Ph.D.
Registration No. 57,537

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)